

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS

EL PASO DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	
	)	NO. EP-22-CR-229-KC-2
PAOLA CONNELLY	)	

**MOTION TO RECONSIDER ORDER**  
**ON MOTION TO DISMISS INDICTMENT**

Comes now the Defendant, PAOLA CONNELLY, by and through her undersigned attorney, and moves this Court to reconsider its Order denying Defendant's Amended Motion to Dismiss the Indictment; and would show the Court the following:

I.

On December 21, 2022, this Court entered an Order denying Ms. Connelly's Amended Motion to Dismiss the Indictment ("Order"). (ECF Doc. No. 81). This Court denied Ms. Connelly's second amendment challenge based on binding precedent in the Fifth Circuit. Order at 6-7.

II.

On February 2, 2023, the Fifth Circuit released its opinion in *United States v. Rahimi*. *United States v. Rahimi*, 21-11001 (Feb. 2, 2023 5th Cir.). In *Rahimi*, the Court found 18 U.S.C. § 922(g)(8) unconstitutional. The Court further acknowledged that its prior second amendment precedent has been rendered "obsolete" by *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022).

III.

The Fifth Circuit's opinion supports the arguments in Defendant's Motion to Dismiss. Rather than repeat the arguments made in her motion and reply to the government's response, Defendant files this request for reconsideration, in light of the fact that this Court is no longer bound by the pre-Bruen precedent upon which it relied.

WHEREFORE, it is respectfully requested that the Court grant this motion and reconsider and grant Ms. Connelly's Amended Motion to Dismiss the Indictment.

Respectfully submitted,

By: /s/ Mary Stillinger  
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CERTIFICATE OF SERVICE

I certify that on this 3rd day of February, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification to the following:

Patricia Aguayo  
Assistant United States Attorney

By: /s/ Mary Stillinger  
MARY STILLINGER